

RECEIVED

JUN 20 2011

DIV. OF OIL, GAS & MINING

June 15, 2011

Mr. Paul Baker:  
Utah Division of Oil, Gas, and Mining

I am writing to comment on the application made by Mr. LaVoy Taylor to open a rock mine in North Eden Canyon in Rich County. As you are aware, he holds the mineral rights on the property, but the surface rights are held by other parties. It highly doubtful that he actually owns the rocks which he wishes to remove. Removal would constitute theft.

Another big issue is reclamation. The assumption is that damage will occur and reclamation will have to take place to restore the land to the way it was. I understand that a \$2,000 reclamation bond has been posted. Does that mean that the bond cost \$2,000 or that \$2,000 will be available for reclamation? If that is the total amount that is available, it seems like a ridiculously small amount. Could you even get a competent reclamation crew on site for that? Or, are you content to leave the site trashed. Of course, I am no expert, but I have read about mine reclamation costing about \$3,000 per acre in the 1980's and that was on much bigger sites where economies of scale would help hold costs down. Consider that on these steep hillsides the armoring of the rock is part of what prevents erosion and landslides. I think a well thought out reclamation plan should be presented to the landowner as that will affect his property in a huge way.

I have also heard about reclamation when speaking of roads. However, a far better, more responsible, approach would be to plan appropriate roads to begin with so that damage to ecological health and productivity are minimized and there would be very little need for "reclamation" at the end. I have been horrified at the terrible condition of some rock mine access roads after abandonment of the project. In this situation, since the landowners and mine operators are different people, these issues should all be agreed to between ALL affected parties before anything is done on the land or before any permits are issued.

I would like to know what the scope of this proposed project is. I have been told that the site is limited to 1 acre, but there is no indication of tonnage of material to be removed. This is an extremely important question to me as most of the proposed access route crosses our private property, much of which is underlain with subsurface moisture. These areas are natural meadows, not irrigated meadows, and are produced by the presence of subsurface moisture because of the proximity to North Eden Creek. Any excessive compaction, rutting, or disruption of surface runoff, or even of subsurface movement of water would be very damaging to the ecological health and productivity of the land. Furthermore, this damage is not limited to the roadway itself but can occur over a much larger area on either side of the roadway. How can any qualified road designer plan an appropriate road without knowing type and weight of the vehicles, weight of the loads, frequency of passage, total weight of material to be hauled, season of use, need for all weather road or not (will they need to move during rainstorms and snowstorms or when there is still residual moisture under ground, or will they only haul when the ground



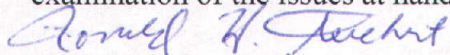
is absolutely dry), duration or lifetime of the project, etc? A qualified road designer would also need to know these things, and many others such as rate of flow, in designing appropriate drainage features such as culverts where flow is in a narrow channel, or rock drainage structures where runoff or movement of water is more widespread. How would he know what material would be suitable—shale, gravel, crushed rock, etc?

Two days ago (June 13, 2011), Mr. Taylor entered our property with a bulldozer and a skid steer loader without our knowledge, consent, permission, or agreement, and proceeded to blade a road over the top of our exiting two-track road. He caused incredible damage to our property. The road we had was not the greatest, it's greatest weakness being where it was located. In spite of the old road's weaknesses, it was infinitely better than what is there now. Most of the road had vegetation on it. Now it is a wide barren path, lower in the ground than before, in some places well into the subsurface moisture, with earthen berms on both sides—the perfect erosion channel, a washout in the making. This new roadway, if not corrected, will funnel lots of silt into North Eden Creek and ultimately Bear Lake. Tomorrow (June 16, 2011), I will be meeting with representatives from the Utah Division of Wildlife Resources and also the NRCS to evaluate and document the damage and to formulate a plan to reclaim and heal the damaged earth. This disaster is a monument to incompetence and the arrogance of ignorance. Good road planning must determine layout (where it lies on the land), appropriate material, construction technique, drainage features, etc. Roads, at least if they affect someone else's property, should be planned by someone who knows what they are doing and should be agreed to by ALL affected parties before anything is done on the land or before any permits are issued.

Also, we are in the cattle grazing business. Our cattle are seldom in any given area for very long as we are constantly moving from one area to another. A frequently used road through our property would complicate this grazing management. Plus, fences, gates, cattleguards, watering facilities, etc. should all be planned for and agreed to in advance. Also, procedures for determining compensation for all other damage to property which occurs as a result of the mining operation should be addressed and agreed to.

I think landowners should be present for the site inspection and also should receive a well thought out plan for site reclamation. I'm sure you are aware of the proposed pump storage hydroelectric power plant in North Eden Canyon. Although that project is probably dead, I was struck by all the updates any interested parties received while that project was being pushed. In my mind, that was overkill but I believe your agency could improve significantly in its consideration of affected landowners.

I request that Mr. Kunzler accompany Yale Johnson and me to the proposed site for our examination of the issues at hand before any permits are issued.



Ron Teichert

Registered Agent, H & B Land Company, LLC

P.O. Box 352

Cokeville, WY 83114